

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Thate et al.	Docket No.:	54129
Application No.:	10/731,168	Examiner:	ONEILL
Filed:	12/10/2003	Art Unit:	1795
Customer No.:	26474	Confirmation No.:	5053

For: Method of fabricating a membrane-electrode assembly

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This subject Information Disclosure Statement is submitted in connection with applicants' continuing duty of disclosure under 37 C.F.R. §1.56. This Information Disclosure Statement (IDS) before the mailing date of any final action, notice of allowance or action that otherwise closes prosecution. This IDS is submitted with the fee set forth under 37 C.F.R. §1.17(p), thus a Certification under 37 C.F.R. §1.97(e) is not required.

The fee under 37 C.F.R. §1.17(p) of \$180.00 is paid by credit card (Form PTO-2038 enclosed). Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account 14.1437. Please credit any excess fees to such account.

LISTING OF RELEVANT DOCUMENTS

The relevant documents are listed in the attached Form PTO/SB/08.

REMARKS

The reference cited in this IDS is US 2002/0071980 A1 by Tabata et al. Applicants present this reference so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rule 104. Applicants respectfully request that this reference be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

NOVAK DRUCE + QUIGG, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005

Phone: (202) 659-0100
Fax: (202) 659-0105

Respectfully submitted,
NOVAK DRUCE + QUIGG, LLP



Michael P. Byrne
Registration No. 54,015